IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 20TH NOVEMBER 2006 / 29TH KARTHIKA 1928

Crl.MC.No. 5675 of 2003()

---

CC.52/1999 of CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

.....

PETITIONER: 4TH ACCUSED

---

M.G.DOMINIC, AGED 51 YEARS,
S/O. M.C.JOHN, PASTER,
I.P.C. TABER NACKLE CHURCH,
PARUTHIPARA, MUTTADA P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.THIRUMALA P.K.MANI

RESPONDENTS: COMPLAINANT & STATE

---

1. REV. T.S. STANLY JOHNS, BETHEL,
PANAVILA, NALAMCHIRA P.O.,
THIRUVANANTHAPURAM.

2. KERALA STATE, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 20/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K.R. UDAYABHANU, J.**

**CRL.M.C.NO.5675 of 2003**

**DATED THIS THE 20TH DAY OF NOVEMBER 2006**

**ORDER**

The petitioner, who is the 4th accused in C.C.No.52/1999 in the file of the Additional Chief Judicial Magistrate Court, Thiruvananthapuram, has sought for getting quashed the order of the court below dated 19-11-2003 canceling the order of the permanent exemption granted to him and canceling his bail and issuing non-bailable warrant. It is submitted by the petitioner that without any reasons, the permanent exemption granted to him was cancelled, his bail was cancelled and non-bailable warrant was issued. The allegation in this case is with respect to the offence under Section 420 against the petitioner and others.

2. Remarks of the the Additional Chief Judicial Magistrate were called for and he has reported that it was the predecessor of the present officer who cancelled the permanent exemption and issued non-bailable warrant. I find that no reason as such is seen mentioned by the Additional Chief Judicial Magistrate as to why the exemption order was cancelled by his predecessor. In the absence of mentioning the reasons, the contention of the petitioner has to be upheld. In the

circumstances, the order dated 19-11-2003 is herewith quashed.

The petitioner/4th accused is directed to appear before the court and apply for bail within two weeks from today onwards. Non-bailable warrant is not to be executed in the meantime. No pre-trial detention is warranted in the circumstances. Application for bail to be filed by him shall be disposed of as far as possible, on the same day itself. If the petitioner applies afresh for exemption, the same shall be considered on merits.

The Crl.M.C.is allowed.

**K.R.UDAYABHANU, JUDGE**

**ks.**